



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/611,464

06/30/2003

Scott Traynham Stillman

190250-1040

1605

38823

7590

12/03/2008

AT&T Legal Department

Attn: Patent Docketing

One AT&T Way

Room 2A-207

Bedminster, NJ 07921

EXAMINER

JAMAL, ALEXANDER

ART UNIT

PAPER NUMBER

2614

MAIL DATE

DELIVERY MODE

12/03/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/611,464	<b>Applicant(s)</b> STILLMAN ET AL.	
	<b>Examiner</b> ALEXANDER JAMAL	<b>Art Unit</b> 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 August 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Response to Amendment/Arguments*

1. Based upon the submitted amendment, the examiner notes that claims 1-4 are cancelled, and claims 4, 7-18 are amended.
2. As per applicant's arguments that the prior art does not disclose the amended IVR interface element, the examiner presents a new set of rejections below
3. As per applicant's arguments that the Pagani does not disclose using the PSTN, the examiner notes that Pagani discloses the internet which is a known communications network over the PSTN. Additionally, Pagani discloses (block 640 in Fig. 6) that configuration data is transmitted across a regional provider (part of the PSTN).
4. As per applicant's arguments that Pagani does not disclose a system that inherently comprises protocol translation stages between the devices communicating with each other, the examiner notes block 640 in Fig. 6 of Pagani discloses 'configuring a CPE over a network'. The examiner strongly contends that any data sent across a network is subject to multiple stages which translate protocols in order to effectively communicate across said network. Additionally, examiner notes Para. 44 of Pagani which discloses a DSLAM and protocol server (DHCP).
5. Additionally, **if applicant maintains that the protocol translation is not inherent to Pagani, the examiner contends that applicant's own specification should then be read as non-enabling as per 35 USC 112 first paragraph**, as applicant's specification does not provide any enablement for translating between specific protocols. In fact, applicant's

Art Unit: 2614

specification does not disclose any specific protocols used (what protocol does a 'DSL' follow ?) The examiner contends that both applicant's device and the prior art of record inherently comprise the means to 'translate protocols' as that is a defining and inherent characteristic of any network.

6. The examiner urges applicant to read the complete Pagani patent in order to understand exactly what Pagani is doing as there appears to be some confusion. Paragraphs 9,10 of Pagani clearly reiterate a system where a technician may remotely configure a CPE device over a network interface, as is stated in the ABSTRACT.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 5-8,11,12,14-18** rejected under 35 U.S.C. 103(a) as being anticipated by Pagani et al. (US 20020095484 A1) and further in view of Loveland (6895558)

As per **claim 5**, Pagani discloses a system to remotely configure diverse broadband components (ABSTRACT) over a PSTN (the internet is over the PSTN as well as the 'regional provider'). As such the system comprises sending a configuration

Art Unit: 2614

request through multiple components across a network in order to provide the disclosed configuring function (para. 9,10) by a technician with a mobile computer. However, Pagani does not disclose the specific signaling interface (such as IVR) used by the technician to interact with the mobile computer.

Loveland discloses that (Col 8 lines 57-67, Col 9 lines 1-15) a STT and TTS interface (IVR interface) on a device may be used by a user to send signaling (in addition to touch-tones, which are dtmf signals) to other devices on the network from a computer terminal. Loveland additionally discloses that an IVR server may be used (Col 2 lines 50-65). It would have been obvious to one of ordinary skill in the art at the time of this application that any well known means (such as an IVR system) could be used by Pagani's disclosed technician to communicate with the network via the mobile computer (with the IVR interface taught by Loveland) for the purpose of allowing the technician to communicate to the network via the computer.

As per **claims 6,7** the diverse equipment would each have different protocols, and inherently comprise the means to translate between protocols. The examiner further notes the extremely well known concept of an **internet** where any number of various components of different signaling protocol may communicate with each other.

As per **claim 8**, the system may configure DSL ports (para 1.)

As per **claims 11,12**, the examiner reads the configuring of DSL ports as comprising a configuring step and a 'verifying' step, and a receiving information step.

Art Unit: 2614

As per **claim 14**, examiner notes that any managing component (such as the inherent software) in the network could be considered a 'network management system'.

As per **claims 15,16, (para. 41)** the broadband equipment responds to configuration commands (inherently must be translated between protocols). The response may indicate the status of the equipment (if it was changed or not).

As per **claims 17,18** they are rejected as per the claim 5,6,14,15.

As per **claims 9,10,13**, Pagani discloses technicians may remotely configure the DSL equipment, but does not specify the sepcific input means used by the technicians, such as an IVR or DTMF signaling scheme. It would have been obvious to one of ordinary skill in the art at the time of this application that any well known user input interface could be implemented (such as a voice or DTMF) for the advantage of increasing the user interface.

Additionally the examiner notes that Loveland discloses the voice, IVR and dtmf interfaces as per the claim 5 rejection.

### **Response to Arguments**

1. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Art Unit: 2614

2. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Jamal whose telephone number is 571-272-7498. The examiner can normally be reached on M-F 9AM-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis A Kuntz can be reached on 571-272-7499. The fax phone numbers for the organization

Art Unit: 2614

where this application or proceeding is assigned are **571-273-8300** for regular communications and **571-273-8300** for After Final communications.

/Alexander Jamal/

Primary Examiner, Art Unit 2614

Examiner Alexander Jamal

December 3, 2008